IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Bail Appl..No. 7434 of 2007()

CR.NO.697/2007 OF THALIPARAMBA POLICE STATION

: PETITIONER/IST AND 2ND ACCUSED

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1. M.M.HARIDAS, S/O.KANNAN,
   MANHJERI MANIKKOTH HOUSE, NADUVIL,
   THALIPARAMBA TALUK, KANNUR.

2. LASHMI ANNA, W/O.KANNAN,
   MANHJERI MANIKKOTH HOUSE,
   NADUVIL, THALIPARAMBA TALUK, KANNUR.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS: COMPLAINANT AND STATE

THE STATE OF KERALA, REP. BY
THE SUB-INSPECTOR OF POLICE, THALIPARAMBA
POLICE STATION, (THROUGH PUBLIC PROSECUTOR
OF HONOURABLE KERALA HIGH COURT, ERNAKULAM).

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7434 of 2007

Dated this the 4th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and the mother-in-law of the de facto complainant. Allegations of matrimonial cruelty of the culpable variety punishable under Section 498A I.P.C are raised against the petitioners. The marriage took place in 2005. The spouses are not blessed with any children. There is strain in the matrimonial relationship. The de facto complainant had filed a complaint before the superior officer of Police which was forwarded to the local police station for investigation. Crime was registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the strain in the matrimonial tie is prompting the de facto complainant to make false, vexatious and exaggerated allegations. The petitioners may be granted anticipatory bail in these circumstances, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application and I am satisfied in the facts and circumstances of this case that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 11/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 12/12/2007 and 13/12/2007 and thereafter on all Mondays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 11/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 11/12 /2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007